



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Steve Tate, Mayor
Greg Sellers, Mayor Pro Tempore
Larry Carr, Council Member
Marby Lee, Council Member
Marilyn Librers, Council Member

REDEVELOPMENT AGENCY

Steve Tate, Chair
Greg Sellers, Vice-Chair
Larry Carr, Agency Member
Marby Lee, Agency Member
Marilyn Librers, Agency Member

WEDNESDAY, NOVEMBER 4, 2009

AGENDA

JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

Proclaim November 10, 2009 as Morgan Hill Community Philanthropy Day
Dave Reisenauer, President, Morgan Hill Community Foundation
Linda Wieck, Vice-President, Morgan Hill Community Foundation

Proclaim November 2009 as National Alzheimer's Awareness Month
Susan Fent, Director of Senior Programs & Services

CITY COUNCIL REPORTS

Mayor Tate

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL AND FOR THE REDEVELOPMENT AGENCY. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE COUNCIL SERVICES RECORDS

COORDINATOR.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE COUNCIL SERVICES RECORDS COORDINATOR WHO WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council and Redevelopment Agency Action
ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-6 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate: 1 - 10 Minutes

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1. **Exception to Loss of Building Allotment, ELBA-09-08: Tilton-Glenrock** **1**
Recommended Action(s):
 1. **Adopt** Resolution granting a twelve-month Exception to Loss of Building Allotment for twenty Fiscal Year 2006-07 allocations; and
 2. **Determine** that the extensions of time for Fiscal Year 2007-08 and Fiscal Year 2008-09 will be considered under the development agreement amendment process.
2. **Adopt Resolution Supporting an Application for Grant Funding for the Extension of West Little Llagas Creek Trail**..... **7**
Recommended Action(s):
 1. **Adopt** Resolution supporting the grant application for the extension of the West Little Llagas Creek Trail for the Environmental Enhancement and Mitigation Fiscal Year 2009/10 funding cycle.

3. **Third Amendment to Gavilan Community College Lease** 13
Recommended Action(s): Authorize the City Manager to execute a Third Amendment to the lease with Gavilan Community College.

4. **Approve Agreement for TFCA Funding for the Cochrane Road Widening Project** 37
Recommended Action(s):
 1. **Approve** the Santa Clara Valley Transportation Authority's agreement for Bay Area Air Quality Management District Transportation Fund for Clean Air (TFCA) funds for up to \$162,000 for construction of the Cochrane Road Widening project; and
 2. **Authorize** the City Manager to sign the agreement with the Santa Clara Valley Transportation Authority on behalf of the City.

5. **Anderson Dam Seismic Stability Evaluation Status Report** 49
Recommended Action(s): *Information only.*

6. **Approve Water Meter Sole Source Purchase** 53
Recommended Action(s): Adopt Resolution approving the purchase of water meters for \$271,000 for Fiscal Year 2009-10 from Sensus Metering Systems for our annual supply of water meters, meter parts and MXUs (Radio Transmitters).

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 7

Time Estimate: 1-10 Minutes

Page

7. **Tank Removal and Remediation Work at 17290 Monterey Road (Promenade Square)** 61
Recommended Action(s): Authorize the Executive Director to execute a contract with AEI Consultants for tank removal and site remediation work at 17290 Monterey Road in an amount not to exceed \$55,000.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 8

Time Estimate: 1-10 Minutes

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8. **Approval of Special City Council and Joint Regular City Council and Redevelopment Agency Meeting** 69

City Council Action

PUBLIC HEARINGS:

ITEM 9

Time Estimate

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9. 5 Minutes [Development Agreement Amendment DAA: 05-08E: Church-Old Orchard \(Alcini\)](#) *(continued from August 27, 2009)*75
- Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
- Recommended Action(s):**
1. **Waive** the first and second reading of ordinance; and
 2. **Introduce** Ordinance approving an amendment to the development agreement for MC 04-15: Church-Alcini, to allow for a 12-month extension of commencement of construction and adjustment of the BMR program dates included in the development agreement.

Redevelopment Agency Action

PUBLIC HEARINGS:

ITEM 10

Time Estimate

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10. 10 Minutes [Aracelia Samarron Lease](#)91
- Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
- Recommended Action(s): Authorize** the Executive Director to execute the lease and related agreements between the Morgan Hill Redevelopment Agency and Aracelia Samarron for the unit located at 330 Creekwood Court.

City Council Action

PUBLIC HEARINGS:

ITEM 11

Time Estimate

Page

11. 90 Minutes [Public Hearing to Consider Certification of the Final Master Environmental Report \(FMEIR\) and Adoption of the 2009 Downtown Specific Plan \(DTSP\) and Associated General Plan and Zoning Map and Text Amendments](#)101
- Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
- Recommended Action(s):**
1. **Adopt** Resolution certifying the Final Master EIR, with findings and a Statement of Overriding Considerations regarding environmental impacts, and adopting a Mitigation Monitoring & Reporting Program; and
 2. **Adopt** Resolution adopting the 2009 Downtown Specific Plan; and adopting associated General Plan Map and Text Amendments; and

3. **Waive** the first and second reading of each Ordinance; and
4. **Introduce** Ordinance adopting the 2009 Downtown Specific Plan as providing the zoning standards Plan Area, and adopting Associated Zoning Map and Text Amendments, and amendment of the CC-R Central Commercial-Residential Zoning District; and
5. **Introduce** Ordinance adopting Commercial Use (CU) Overlay District & associated Commercial Administrative Use Permit (CAUP) provisions, and allowing public parking lots in the ML Industrial District.

[11 Supplemental 01 Downtown Specific Plan Draft Master Environmental Impact Report](#)
[11 Supplemental 02 Downtown Specific Plan Final Master Environmental Impact Report](#)
[11 Supplemental 03 Downtown Specific Plan](#)
[11 Supplemental 04](#)

City Council Action

OTHER BUSINESS:

ITEMS 12

	Time Estimate		Page
12.	10 Minutes	<u>Schedule for Recycling Program Changes and Future Rate Adjustments</u>	245
		<u>Recommended Action(s):</u>	
		1. <u>Direct</u> staff to convert recycling program to Single Stream effective as soon as possible; and	
		2. <u>Direct</u> staff to proceed with RecycleBank Program implementation with July 1, 2010 as the anticipated starting date.	

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR

Authority:	Government Code Section 54957.6
City Negotiators:	City Manager, City Attorney, Assistant to the City Manager
Employee Organization:	Morgan Hill Police Officers Association
	Employees Covered under Management Resolution #6250
	AFSCME Local 101
	Morgan Hill Community Service Officers Association

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the Council Services Records Coordinator for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the Council Services Records Coordinator. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chair, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Council Services Records Coordinator at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency agenda, please contact the Council Services Records Coordinator at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.